

THE LINGERING SHADOW

Warren Critics Skip Vital Facts

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The selective use of testimony by Warren report critics didn't just apply to the question of whether or not Lee Harvey Oswald was an expert shot.

Mark Lane in his "Rush to Judgment" displayed a rush all his own in accepting the testimony of a for-

(Second of a Series)

mer Dallas patrolman, Napoleon J. Daniels.

Lane devotes several pages to Daniels' testimony that he saw a man resembling Jack Ruby enter police headquarters just before he shot Oswald. Lane takes issue with the commission for deciding Daniels' testimony "merits little credence."

But nowhere does Lane mention that Daniels was given a lie detector test. Daniels was asked if he had told the complete truth. He said yes. He was asked if he had deliberately made up any of his story. He answered no. The lie detector indicated both responses were "false." He was asked if he thought the person he saw enter the building was Jack Ruby. He said no. The test indicated this response was "true."

IS SUCH evidence relevant to why the commission felt Daniels merited little credence? Lane evidently thought not.

One of Edward Jay Epstein's major points con-

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★ ★ ★ Probe Data Taken Out of Context

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cerns the report of the autopsy on President John F. Kennedy. It concluded he had been shot in the back of the neck and the back of the head. An FBI report submitted Dec. 9, 1963, contradicted the doctors in several important areas. Epstein in "Inquest" makes much of the difference.

Inquiry by the writers, however, has established that the FBI wrote its original report before getting that of the doctors, which reached the agency Dec. 23, 1963. The FBI, nonetheless, stuck to its original version in a supplemental report Jan. 13, 1964. The agency felt dutybound not to alter a report by its agents—its customary policy—even though other reports might contain other facts.

It was the commission's task to choose between the FBI agents—laymen who reported what they had heard the autopsy doctors say—and the doctors themselves, who were making the one authorized examination and full report. It chose the doctors.

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SHOULDN'T a critical appraisal of the commission have made such an inquiry? If Epstein did, it is not recorded.

Such lapses of the critics do not prove or disprove that Oswald murdered. But do these lapses, and many others to be cited later, have some bearing on the objectivity the critics claim for themselves and deny the commission?

Did the critics, not the commission, "cite evidence out of context, ignore and reshape evidence?"

They did.



EDWARD EPSTEIN

They have sat in judgment of the Warren Commission and found it wanting. But they are not judges. They have been prosecutors, making a case. Where fact has served, they have used it. Where it has not, they have not.

If they have read all the evidence, they have not quoted it all. They have taken evidence to form theories, to launch speculation. But they have not taken all the evidence.

They have said "per-

haps" and "it seems" and "it is likely." But they must say more. They must say here is the evidence. And as yet, such evidence has not been forthcoming.

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THE IRONY of the Warren report is that it is based on the same evidence as the books that attack it. The commission provided in the 26 volumes of testimony and exhibits and additional matter in the National Archives the results of its investigation. And this is the heart of the critics' case. Their witnesses were the commission's. Their evidence was the commission's. But, again, not all of it.

A doctor said Kennedy was shot from the front. A man saw a puff of smoke from some trees ahead of the motorcade. The man, and others who saw smoke, were commission witnesses. The doctor, and others who thought Kennedy's throat wound was one of entrance, were commission witnesses. And they appear for the critics.

But not always in the critics' books does one read of the people who saw a rifle in the window of the Texas School Book Depository. Not always does one read the doctors' testimony that their first interpretation of Kennedy's wounds was not their final one.

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THE COMMISSION presented all the evidence it could find. The critics did not. As a group they have found the commission wrong on almost anything but the fact of assassination itself.

Space does not permit a footnote analysis of the critical books, although this was done with several of them in preparing this report. The notes made on Mark Lane's book alone run to 50,000 words.

The intention, rather, is to focus on several key is-